

REMARKS

In the Office Action mailed July 24, 2008, claims 8-21 and 27-28 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,963,909 to Warren et al. (hereinafter "Warren") in view of U.S. Patent No. 5,905,797 to McRae (hereinafter "McRae"). The Office has also provisionally rejected claims 8-21 and 27-28 on the ground of non-statutory obviousness-type double patenting over co-pending Application No. 11/747,781 and co-pending Application No. 11/827,856.

By this paper, Applicants cancel claims 10, 17, and 18 without prejudice or disclaimer, and amend claims 8-9, 11-15, 19-21, and 27 to improve readability and to more clearly define the invention. After entry of this paper, claims 8-9, 11-16, 19-21, and 27-28 will remain pending. Applicants respectfully traverse the rejection of the pending claims under 35 U.S.C. § 103(a) in view of the amendments and following remarks. Applicants also submit herewith a terminal disclaimer to obviate the non-statutory obviousness-type double patenting rejection.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 8-21 and 27-28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Warren in view of McRae. Applicants respectfully traverse the rejection.

Independent claim 8 recites a streaming media player including a port configured to receive a digital bit stream, which includes, *inter alia*, "control information including at least one key suitable for decryption of at least a portion of [encrypted] content, and a first rule or rule set including at least one rule specifying that the content can only be decrypted on a system having a predefined system identifier." The streaming media player, as recited in claim 8, further includes "a second rule or rule set governing at least one aspect of usage of at least one sub-stream or object, wherein the second rule or rule set includes at least one rule stored in a non-volatile memory internally integrated with the player; and means for enforcing the first rule or rule set and the second rule or rule set, the means for enforcing including means for selectively passing at least one key to a stream controller in accordance with the first rule or rule set."

Applicants respectfully assert that Warren and McRae do not teach or suggest this combination of features. For example, neither Warren nor McRae teach or suggest

a streaming media player including a port configured to receive a digital bit stream that includes control information including at least one rule specifying that content can only be decrypted on a system having a predefined system identifier. Nor does either Warren or McRae teach or suggest a streaming media player that includes a second rule or rule set governing at least one aspect of usage of at least one sub-stream or object, wherein the second rule or rule set includes at least one rule stored in a non-volatile memory internally integrated with the player, and means for enforcing the first rule or rule set and the second rule or rule set, the means for enforcing including means for selectively passing at least one key to a stream controller in accordance with the first rule or rule set, as recited in claim 8. Therefore, Applicants respectfully submit that claim 8 is patentable over Warren in view of McRae.

Claims 9, 11-16, 19-21, and 27-28 ultimately depend from claim 8 and are patentable for at least the same reasons as claim 8.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 8-9, 11-16, 19-21, and 27-28 under 35 U.S.C. § 103(a).

Double Patenting

Claims 8-21 and 27-28 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over co-pending Application No. 11/747,781 (U.S. Patent Application Publication 20070211891) and co-pending Application No. 11/827,856 (U.S. Patent Application Publication 20080013724). Without acquiescing to the correctness of the rejections, and solely in the interest of advancing prosecution, Applicants submit herewith a terminal disclaimer under 37 C.F.R. §1.321(c). Applicants respectfully submit that, by virtue of this disclaimer, the double-patenting rejection has been overcome.

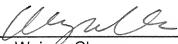
In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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